

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Clarence James Dickens,

Civil 10-3823 PJS/FLN

Plaintiff,

v.

O R D E R

Joan Fabian, Commissioner of DOC,
et al.,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated October 20, 2010, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff's application for leave to proceed in forma pauperis, (Docket No. 2), is **DENIED**; and

2. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: 11/15, 2010.

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge